



Congress of the United States

House of Representatives

September 11, 2019

PLEASE RESPOND TO:

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The Honorable Mark Lee Greenblatt
Inspector General
U.S. Department of the Interior
1849 C St., NW Mail Stop 4428
Washington, D.C. 20240

Mr. Scott de la Vega
Director, Office of Ethics
U.S. Department of Interior
1849 C St., NW Mail Stop 5311
Washington, D.C. 20240

Dear Inspector General Greenblatt and Director de la Vega:

I am extremely troubled by recent reports that Secretary Bernhardt is using his position to promote the approval of the Jordan Cove Energy Project (JCEP). Documents obtained by *The Guardian* suggest that he is involved with advocating for the project.

Secretary Bernhardt's questionable actions with regard to JCEP are numerous, and it appears he has violated at least two requirements of current political appointees. The first is President Trump's Executive Order 13770. As you know, in January 2017 President Trump issued Executive Order 13770, "Ethics Commitments by Executive Branch Appointees." The order requires all political appointees to sign an ethics pledge. Section 6 of the ethics pledge states, "I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts."

Secondly, on August 15, 2017, during his tenure as Deputy Secretary of Interior, Secretary Bernhardt sent a memo to various Department of Interior officials, including then-Secretary Zinke, entitled "Ethics Recusal." The memo states in part:

"In addition, I will not participate personally and substantially in any particular matter involving specific parties in which I know a former employer or client of mine is a party to or represents a party for a period of one year after I have provided service to that employer or client, unless I am first authorized to participate, pursuant to 5 C.F.R. Section 2635.502(d)."

The memo also contains a list of Ethic Pledge Recusals, noting that:

"Until August 3, 2019, absent a waiver under Section 3 of Executive Order No. 13770, I am recused from particular matters involving specific parties in which any of the following entities is a party or represents a party to the matter. Such matters include, but are not limited to, litigation, permits, grants, licenses, applications and agreements. For

the purpose of the Ethics Pledge, this also prohibits my participation in any meeting or other communication with these entities unless (1) there are five or more different stakeholders present and (2) no particular matters involving specific parties are discussed.”

Included on the recusal list is Secretary Bernhardt’s most-recent former employer, lobbying firm Brownstein Hyatt Farber Schreck. In December 2018, Brownstein Hyatt Farber Schreck was hired by Canadian company Pembina, which is in the process of seeking federal approval of the JCEP.

Additionally, in March 2019, Secretary Bernhardt held at least two meetings with Colorado county commissioners who represent areas where the natural gas would be extracted and exported to the JCEP. One of the commissioners Secretary Bernhardt met with, Garfield County Commissioner Mike Sampson, taught Secretary Bernhardt at Rifle High School. According to *The Guardian*, Commissioner Sampson emailed a lobbyist also retained by Pembina to advocate for JCEP, saying “Awesome time in DC he is totally behind the project and has people working on it towards completion.” On March 6, 2019, the *Grand Junction Daily Sentinel* reported on the meetings. Mesa County Commissioner Rose Pugliese is quoted as saying, “It doesn’t hurt that Mike Sampson was (Bernhardt’s) teacher.”

Reports of Secretary Bernhardt actions suggest that he is disobeying both federal regulation 5 C.F.R. Section 2635.502(d) and Executive Order 13770. Therefore, I am requesting answers and relevant documentation to the following questions:

- At any time was Secretary Bernhardt, in any of his positions at the Department of Interior, granted authorization to participate in any meetings or other actions, pursuant to 5 C.F.R. Section 2635.502(d) in regard to meetings with the Pembina company, Brownstein Hyatt Farber Schreck, or Colorado county commissioners in relation to JCEP;
- At any time was Secretary Bernhardt, in any of his positions at the Department of Interior, granted an exception to Ethics Pledge Executive Order 13770 to participate or meet with the various actors stated above;
- If these meetings were approved, provide dates and list of attendees of any meetings Secretary Bernhardt attended with any Colorado county commissioner, Pembina company officials, Brownstein Hyatt Farber Schreck employees, and any other lobbyist advocating for the JCEP.

I look forward to your prompt reply.

Sincerely,



Peter A. DeFazio
Member of Congress